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#15 Appeal Brief
T. Young
3-21-02IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Art Unit: 2875)
)
Examiner: Thomas M. Sember)
)
Inventor: Graham B. McCloy and)
Ronald R. Raymo)
)
Serial No.: 09/495,105)
)
Filed: February 1, 2000)
)
For: EXTERIOR REAR VIEW)
MIRROR HAVING A CHIN)
STRAP AND A REPEATER)

APPEAL BRIEF

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CERTIFICATE OF FIRST MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to the Honorable Commissioner for Patents, Washington, D.C. 20231, on February 28, 2002

JUDITH H. BECKER

Honorable Commissioner of Patents
Washington, D.C. 20231

Dear Sir:

This is an Appeal Brief in response to the Final Office Action mailed July 31, 2001. The Appeal Brief is submitted in triplicate. Any needed extension of time is hereby requested with the filing of this document.

The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 500906 (Britax Intellectual Property). A duplicate copy of this letter is enclosed herewith.



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Real Party in Interest

The real parties in interest are the above-named inventors, Graham B. McCloy and Ronald R. Raymo. However, it is anticipated that the inventors will soon assign their interests in the above-referenced patent application to Schefenacker Vision Systems USA Inc., previously Britax Vision Systems (North America) Inc.

Related Appeals and Interferences

There are no related appeals or interferences.

Status of Claims

In response to the Amendment mailed June 29, 2001, a Final Official Action was mailed on July 31, 2001 finally rejecting claims 25-34 and 41-59. In response to the Final Official Action, an Amendment After Final Rejection and a Notice of Appeal were mailed on October 31, 2001. None of the pending claims were amended, and no claims were either added or deleted. In response to the Amendment After Final Rejection, an Advisory Action was mailed on January 23, 2002. The Examiner stated that the proposed amendment would be entered upon the timely submission of a Notice of Appeal, mailed on October 31, 2001, and an Appeal Brief, submitted herewith. This appeal is taken as to claims 25-34 and 41-59, as presently pending.

Status of Amendments

An Amendment After Final Rejection was mailed on October 31, 2001 in response

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to the Final Official Action mailed July 31, 2001. In the Advisory Action mailed on January 23, 2002, the Examiner stated that the proposed amendment would be entered upon the timely submission of a Notice of Appeal, mailed on October 31, 2001, and an Appeal Brief, submitted herewith.

Summary of the Invention

In accordance with the general teachings of the present invention, an exterior rear view mirror assembly (10) includes a housing (16) adapted to be secured to an outer surface of a motor vehicle (14), the housing (16) having a generally rearwardly facing opening. A reflective mirror (34) is disposed within the opening, and a bezel (28) forms a lower portion of the housing (16). The bezel (28) has an opening for projecting light, and a light transmitting lens (60) is disposed in the bezel (28). A light source assembly (40) having a light source (50) is placed within the bezel (28). The light source assembly (40) generates light to provide a light signal from the light transmitting lens (60). (See Page 2, line 2 – Page 7, line 23 of the specification and Figs. 1-9).

Statement of the Issues Presented

Are the Applicants' claims to a mirror assembly for a vehicle comprising: (1) a mirror housing; (2) a reflective element; (3) a backing assembly supported by the mirror housing, the backing assembly supporting the reflective element; (4) a bezel having a height for extending below the housing, formed as a separate element of and attached to a lower portion of the mirror housing, a portion of the bezel including an opaque

contoured surface portion extending from the lower portion of the mirror housing, the bezel having an opening for projecting light through the lens; (5) a light module disposed within the bezel, the light module having a light source for providing light to be projected through the lens; and (6) a lens formed in the opening, the light projecting through the lens, anticipated by U.S. Patent No. 4,809,137 to Yamada, U.S. Patent No. 5,497,306 to Pastrick, U.S. Patent No. 5,823,654 to Pastrick et al., or U.S. Patent No. 5,879,074 to Pastrick?

Are the Applicants' claims to an exterior rear view mirror assembly comprising: (1) a housing adapted to be secured to an outer surface of a motor vehicle and having a generally rearwardly facing opening; (2) a reflective mirror disposed within the opening; (3) a bezel formed of a separate element of and disposed in proximity to a portion of a lower transverse surface of the housing, the bezel having a height for extending below said lower transverse surface and an opening for projecting light in a portion of said bezel formed a contoured surface from the lower portion of the mirror housing; (4) a light transmitting lens formed in the bezel; and (5) a light source assembly having a light source, the light source assembly generating light projected through the opening in the bezel, the light source assembly being operable to provide a light signal visible through the light transmitting lens, anticipated by U.S. Patent No. 4,809,137 to Yamada, U.S. Patent No. 5,497,306 to Pastrick, U.S. Patent No. 5,823,654 to Pastrick et al., or U.S. Patent No. 5,879,074 to Pastrick?

Are the Applicants' claims to a mirror assembly for a vehicle comprising: (1) a mirror housing; (2) a reflective element; (3) a backing assembly supported by the mirror

housing, the backing assembly supporting the reflective element; (4) a bezel having a height for extending below the housing, formed as a separate element of and attached to a lower portion of the mirror housing, a portion of the bezel including an opaque portion being contoured for forming a lower contoured portion of the mirror contoured surface portion extending from the lower portion of the mirror housing, the bezel also including a cavity therein for receiving a light source and a lens over the cavity for allowing light through; and (5) a light module disposed within the cavity, the light module having a light source for providing light to be projected through the lens for repeating of a turn signal or a stop light signal of the vehicle, anticipated by U.S. Patent No. 4,809,137 to Yamada, U.S. Patent No. 5,497,306 to Pastrick, U.S. Patent No. 5,823,654 to Pastrick et al., or U.S. Patent No. 5,879,074 to Pastrick?

Are the Applicants' claims to a mirror assembly for a vehicle comprising: (1) a mirror housing; (2) a reflective element; (3) a backing assembly supported by the mirror housing, the backing assembly supporting the reflective element; (4) an independent light emitting portion having a height for extending below the housing and contoured for formed a contoured lower surface abutting to and continuing the contour of the housing, formed as a separate element of and attached to a lower portion of the mirror housing, a portion of the bezel including an opaque portion thereof for preventing light from passing therethrough and a lens portion for allowing light to project through the lens; and (5) a light module disposed within the bezel, the light module having a light source for providing light to be projected through the lens portion for signaling of a turn signal or stoplight or puddle lamp function of a vehicle, anticipated by U.S. Patent No.

4,809,137 to Yamada, U.S. Patent No. 5,497,306 to Pastrick, U.S. Patent No. 5,823,654 to Pastrick et al., or U.S. Patent No. 5,879,074 to Pastrick?

Are the Applicants' claims to an exterior rear view mirror assembly comprising: (1) a housing adapted to be secured to an outer surface of a motor vehicle and having a generally rearwardly facing opening, a contoured back surface and a bottom portion; (2) a reflective mirror disposed within the opening; (3) a separately formed signal attachment disposed in proximity to a said bottom portion of the housing, the signal element attachment having a height for extending below said bottom portion and an opening for projecting light in a portion of said attachment forming a contoured surface immediately adjacent and continuing the contoured surface of said contoured back surface of said housing; (4) a light transmitting lens formed in the said attachment; and (5) a light source assembly having a light source, the light source assembly generating light projected through the opening in the bezel, the light source assembly being operable to provide a light signal visible through the light transmitting lens, anticipated by U.S. Patent No. 4,809,137 to Yamada, U.S. Patent No. 5,497,306 to Pastrick, U.S. Patent No. 5,823,654 to Pastrick et al., or U.S. Patent No. 5,879,074 to Pastrick?

Are the Applicants' claims to a mirror assembly for a vehicle comprising: (1) a mirror housing; (2) a reflective element; (3) a backing assembly supported by the mirror housing, the backing assembly supporting the reflective element, said mirror housing including a downwardly extending peripheral wall having a contoured surface and a lower peripheral edge; (4) a signal attachment member formed independently of the mirror housing and defining a contoured portion of a lower surface of the mirror housing,

the signal attachment member having a height for extending below the downwardly extending peripheral wall, said signal attachment member including an upwardly extending contoured surface portion for mating with the downwardly extending wall of said mirror housing said signal attachment member including a lens portion signal attachment member being attached to said housing and forming a contour following surface from the lower peripheral edge; and (5) a light module disposed within the signal attachment member, the light module having a light source, wherein from the source light source projects through the lens, anticipated by U.S. Patent No. 4,809,137 to Yamada, U.S. Patent No. 5,497,306 to Pastrick, U.S. Patent No. 5,823,654 to Pastrick et al., or U.S. Patent No. 5,879,074 to Pastrick?

Are the Applicants' claims to a mirror assembly for a vehicle comprising: (1) a mirror housing including an inner wall portion, an outer wall portion and a lower wall portion extending between said inner and outer wall portions; (2) a reflective element; (3) a backing assembly supported by the mirror housing, said backing assembly supporting the reflective element; (4) a detachable bezel formed separately from said housing, said bezel attached to and extending below said lower wall portion, said bezel including a planar longitudinal surface extending between a front surface and a rear surface of said bezel wherein said front surface of said bezel is position adjacent said outer wall portion of said housing, said bezel extending inward such that said rear surface of said bezel is proximate a breakaway feature of the mirror assembly, said bezel further including a lens; and (5) a light source emitting light within said bezel, said light projecting through said lens, anticipated by U.S. Patent No. 4,809,137 to Yamada,

U.S. Patent No. 5,497,306 to Pastrick, U.S. Patent No. 5,823,654 to Pastrick et al., or U.S. Patent No. 5,879,074 to Pastrick?

Are the Applicants' claims to a mirror assembly for a vehicle comprising: (1) a mirror housing; (2) a reflective element; (3) a backing assembly supported by the mirror housing, the backing assembly supporting the reflective element; said mirror housing including a downwardly extending peripheral wall; (4) a bezel formed independently of the mirror housing and defining a portion of a lower transverse surface of the mirror housing and defining a portion of a lower transverse surface of the mirror housing, the bezel having a height for extending below the downwardly extending peripheral wall, said bezel including an upwardly extending wall portion for mating with the downwardly extending wall of said mirror housing and having an opening for projecting light; said bezel attached to said housing; (5) a light module disposed within the bezel, the light module having a light source, wherein light from the light source projects through the opening; and (6) a lens formed in the opening, the light projecting through the lens, anticipated by U.S. Patent No. 4,809,137 to Yamada, U.S. Patent No. 5,497,306 to Pastrick, U.S. Patent No. 5,823,654 to Pastrick et al., or U.S. Patent No. 5,879,074 to Pastrick?

Grouping of the Claims

For purposes of this appeal, claims 25-34, 41-53, 54, 55, 56, 57, 58, and 59 should be considered separately and patentably distinct.

Arguments

Claims 25-32, 34, and 41-59 stand rejected under 35 U.S.C. 102(b) as being

anticipated by U.S. Patent No. 5,497,306 to Pastrick, U.S. Patent No. 5,823,654 to Pastrick et al., or U.S. Patent No. 5,879,074 to Pastrick.

The Applicants' respectfully traverse the 35 U.S.C. 102(b) rejection of claims 25-32, 34, and 41-59.

The law is clear that anticipation requires that a single prior art reference disclose each and every limitation of the claim sought to be rejected. 35 U.S.C. 102(b). The law is also clear that a claim in dependent form shall be construed to incorporate all the limitations of the claim to which it refers. 35 U.S.C. § 112 ¶ 4.

Independent claim 25 recites, among other things, a bezel having a height for extending below the housing, formed as a separate element of and attached to a lower portion of the mirror housing, a portion of the bezel including an opaque contoured surface portion extending from the lower portion of the mirror housing, the bezel having an opening for projecting light through the lens.

The devices taught by U.S. Patent No. 5,497,306 to Pastrick, U.S. Patent No. 5,823,654 to Pastrick et al., and U.S. Patent No. 5,879,074 to Pastrick do not disclose a bezel portion separately formed which extends below a lower peripheral portion of the mirror housing and/or follows the contour of the mirror housing.

The devices taught by U.S. Patent No. 5,497,306 to Pastrick, U.S. Patent No. 5,823,654 to Pastrick et al., and U.S. Patent No. 5,879,074 to Pastrick do not disclose a bezel portion having a height which extends below the lower portion of the mirror and forms a contour of the mirror which includes a portion which is at least partially opaque and non-light transmitting.

It is submitted that the bezels taught by U.S. Patent No. 5,497,306 to Pastrick, U.S. Patent No. 5,823,654 to Pastrick et al., and U.S. Patent No. 5,879,074 to Pastrick are disposed within the mirror housing itself and do extend below the lowermost surface of the mirror housing, nor do they form a contoured surface of the mirror housing.

Accordingly, the Applicants submit that independent claim 25 is not anticipated by either U.S. Patent No. 5,497,306 to Pastrick, U.S. Patent No. 5,823,654 to Pastrick et al., or U.S. Patent No. 5,879,074 to Pastrick.

Dependent claim 26 further limits and defines independent claim 25 and recites, among other things that the bezel is disposed generally beneath the backing assembly and the reflective element. Accordingly, claim 26 is also not anticipated by either U.S. Patent No. 5,497,306 to Pastrick, U.S. Patent No. 5,823,654 to Pastrick et al., or U.S. Patent No. 5,879,074 to Pastrick.

Dependent claim 27 further limits and defines independent claim 25 and recites, among other things that the opening in the bezel projects rearwardly. Accordingly, claim 27 is also not anticipated by either U.S. Patent No. 5,497,306 to Pastrick, U.S. Patent No. 5,823,654 to Pastrick et al., or U.S. Patent No. 5,879,074 to Pastrick.

Dependent claim 28 further limits and defines independent claim 25 and recites, among other things that the light source generates light to provide at least one of a turn signal light, an approach light, and a vehicle side marker light. Accordingly, claim 28 is also not anticipated by either U.S. Patent No. 5,497,306 to Pastrick, U.S. Patent No. 5,823,654 to Pastrick et al., or U.S. Patent No. 5,879,074 to Pastrick.

Dependent claim 29 further limits and defines independent claim 25 and recites, among other things that the light source assembly has a reflective inner surface, the inner surface being shaped to direct a maximum amount of light emitted from the light source to the lens. Accordingly, claim 29 is also not anticipated by either U.S. Patent No. 5,497,306 to Pastrick, U.S. Patent No. 5,823,654 to Pastrick et al., or U.S. Patent No. 5,879,074 to Pastrick.

Dependent claim 30 further limits and defines independent claim 25 and recites, among other things that the lens is operative to direct light through an arc extending at least 40 degrees rearwardly from approximately a line passing through the mirror assembly and extending perpendicular to the longitudinal axis of the vehicle. Accordingly, claim 30 is also not anticipated by either U.S. Patent No. 5,497,306 to Pastrick, U.S. Patent No. 5,823,654 to Pastrick et al., or U.S. Patent No. 5,879,074 to Pastrick.

Dependent claim 31 further limits and defines independent claim 25 and recites, among other things that the light source is operable to provide a signal visible through the light transmitting lens to a rearward motor vehicle when actuated. Accordingly, claim 31 is also not anticipated by either U.S. Patent No. 5,497,306 to Pastrick, U.S. Patent No. 5,823,654 to Pastrick et al., or U.S. Patent No. 5,879,074 to Pastrick.

Dependent claim 32 further limits and defines independent claim 25 and recites, among other things that the mirror assembly further comprises a fastener for attaching the light module to the bezel. Accordingly, claim 32 is also not anticipated by either U.S. Patent No. 5,497,306 to Pastrick, U.S. Patent No. 5,823,654 to Pastrick et al., or

U.S. Patent No. 5,879,074 to Pastrick.

Dependent claim 34 further limits and defines dependent claim 32, dependent upon independent claim 25, and recites, among other things that the fastener comprises a clip-type fastener, the clip-type fastener engaging the bezel. Accordingly, claim 34 is also not anticipated by either U.S. Patent No. 5,497,306 to Pastrick, U.S. Patent No. 5,823,654 to Pastrick et al., or U.S. Patent No. 5,879,074 to Pastrick.

Independent claim 41 recites, among other things a bezel formed of a separate element of and disposed in proximity to a portion of a lower transverse surface of the housing, the bezel having a height for extending below said lower transverse surface and an opening for projecting light in a portion of said bezel formed a contoured surface from the lower portion of the mirror housing.

The devices taught by U.S. Patent No. 5,497,306 to Pastrick, U.S. Patent No. 5,823,654 to Pastrick et al., and U.S. Patent No. 5,879,074 to Pastrick do not disclose a bezel portion separately formed which extends below a lower peripheral portion of the mirror housing and/or follows the contour of the mirror housing.

The devices taught by U.S. Patent No. 5,497,306 to Pastrick, U.S. Patent No. 5,823,654 to Pastrick et al., and U.S. Patent No. 5,879,074 to Pastrick do not disclose a bezel portion having a height which extends below the lower portion of the mirror and forms a contour of the mirror which includes a portion which is at least partially opaque and non-light transmitting.

It is submitted that the bezels taught by U.S. Patent No. 5,497,306 to Pastrick, U.S. Patent No. 5,823,654 to Pastrick et al., and U.S. Patent No. 5,879,074 to Pastrick

are disposed within the mirror housing itself and do extend below the lowermost surface of the mirror housing, nor do they form a contoured surface of the mirror housing.

Accordingly, the Applicants submit that independent claim 41 is not anticipated by either U.S. Patent No. 5,497,306 to Pastrick, U.S. Patent No. 5,823,654 to Pastrick et al., or U.S. Patent No. 5,879,074 to Pastrick.

Dependent claim 42 further limits and defines independent claim 41 and recites, among other things that the opening in the bezel projects rearwardly. Accordingly, claim 42 is also not anticipated by either U.S. Patent No. 5,497,306 to Pastrick, U.S. Patent No. 5,823,654 to Pastrick et al., or U.S. Patent No. 5,879,074 to Pastrick.

Dependent claim 43 further limits and defines dependent claim 42, dependent upon independent claim 41, and recites, among other things that the light source assembly is removably secured to the bezel. Accordingly, claim 43 is also not anticipated by either U.S. Patent No. 5,497,306 to Pastrick, U.S. Patent No. 5,823,654 to Pastrick et al., or U.S. Patent No. 5,879,074 to Pastrick.

Dependent claim 44 further limits and defines independent claim 41 and recites, among other things that the light source generates light to provide at least one of a turn signal light, a vehicle approach light, and a vehicle side marker light. Accordingly, claim 44 is also not anticipated by either U.S. Patent No. 5,497,306 to Pastrick, U.S. Patent No. 5,823,654 to Pastrick et al., or U.S. Patent No. 5,879,074 to Pastrick.

Dependent claim 45 further limits and defines independent claim 41 and recites, among other things that the light source generates light to provide a vehicle approach light and wherein the lens of one of red, amber, and white. Accordingly, claim 45 is also

not anticipated by either U.S. Patent No. 5,497,306 to Pastrick, U.S. Patent No. 5,823,654 to Pastrick et al., or U.S. Patent No. 5,879,074 to Pastrick.

Dependent claim 46 further limits and defines independent claim 41 and recites, among other things that the light source generates light to provide a vehicle side marker light and wherein the lens is one of red, amber, and white. Accordingly, claim 46 is also not anticipated by either U.S. Patent No. 5,497,306 to Pastrick, U.S. Patent No. 5,823,654 to Pastrick et al., or U.S. Patent No. 5,879,074 to Pastrick.

Dependent claim 47 further limits and defines independent claim 41 and recites, among other things that the light source generates light to provide a turn signal and wherein the lens is one of red, white, and amber. Accordingly, claim 47 is also not anticipated by either U.S. Patent No. 5,497,306 to Pastrick, U.S. Patent No. 5,823,654 to Pastrick et al., or U.S. Patent No. 5,879,074 to Pastrick.

Dependent claim 48 further limits and defines independent claim 41 and recites, among other things that the light source assembly has a reflective inner surface, the inner surface being shaped to direct a maximum amount of light emitted from the light source to the lens. Accordingly, claim 48 is also not anticipated by either U.S. Patent No. 5,497,306 to Pastrick, U.S. Patent No. 5,823,654 to Pastrick et al., or U.S. Patent No. 5,879,074 to Pastrick.

Dependent claim 49 further limits and defines independent claim 41 and recites, among other things that the bezel is separately formed from the housing, and wherein a fastener attaches the bezel to the housing. Accordingly, claim 49 is also not anticipated by either U.S. Patent No. 5,497,306 to Pastrick, U.S. Patent No. 5,823,654 to Pastrick

et al., or U.S. Patent No. 5,879,074 to Pastrick.

Dependent claim 50 further limits and defines independent claim 41 and recites, among other things that the lens is operative to direct light through an arc extending at least 40 degrees rearwardly from approximately a line passing through the mirror assembly and extending perpendicularly to the longitudinal axis of the vehicle. Accordingly, claim 50 is also not anticipated by either U.S. Patent No. 5,497,306 to Pastrick, U.S. Patent No. 5,823,654 to Pastrick et al., or U.S. Patent No. 5,879,074 to Pastrick.

Dependent claim 51 further limits and defines independent claim 41 and recites, among other things that the light source assembly includes an electrical connector for supporting the light source. Accordingly, claim 51 is also not anticipated by either U.S. Patent No. 5,497,306 to Pastrick, U.S. Patent No. 5,823,654 to Pastrick et al., or U.S. Patent No. 5,879,074 to Pastrick.

Dependent claim 52 further limits and defines dependent claim 42, dependent upon independent claim 41, and recites, among other things that the bulb holder is integrally formed with the light source assembly. Accordingly, claim 52 is also not anticipated by either U.S. Patent No. 5,497,306 to Pastrick, U.S. Patent No. 5,823,654 to Pastrick et al., or U.S. Patent No. 5,879,074 to Pastrick.

Dependent claim 53 further limits and defines independent claim 41 and recites, among other things that the light source assembly is operable to provide a signal visible through the light transmitting lens to a rearward motor vehicle when actuated. Accordingly, claim 53 is also not anticipated by either U.S. Patent No. 5,497,306 to

Pastrick, U.S. Patent No. 5,823,654 to Pastrick et al., or U.S. Patent No. 5,879,074 to Pastrick.

Independent claim 54 recites, among other things a bezel having a height for extending below the housing, formed as a separate element of and attached to a lower portion of the mirror housing, a portion of the bezel including an opaque portion being contoured for forming a lower contoured portion of the mirror contoured surface portion extending from the lower portion of the mirror housing, the bezel also including a cavity therein for receiving a light source and a lens over the cavity for allowing light through.

The devices taught by U.S. Patent No. 5,497,306 to Pastrick, U.S. Patent No. 5,823,654 to Pastrick et al., and U.S. Patent No. 5,879,074 to Pastrick do not disclose a bezel portion separately formed which extends below a lower peripheral portion of the mirror housing and/or follows the contour of the mirror housing.

The devices taught by U.S. Patent No. 5,497,306 to Pastrick, U.S. Patent No. 5,823,654 to Pastrick et al., and U.S. Patent No. 5,879,074 to Pastrick do not disclose a bezel portion having a height which extends below the lower portion of the mirror and forms a contour of the mirror which includes a portion which is at least partially opaque and non-light transmitting.

It is submitted that the bezels taught by U.S. Patent No. 5,497,306 to Pastrick, U.S. Patent No. 5,823,654 to Pastrick et al., and U.S. Patent No. 5,879,074 to Pastrick are disposed within the mirror housing itself and do extend below the lowermost surface of the mirror housing, nor do they form a contoured surface of the mirror housing.

Accordingly, the Applicants submit that independent claim 54 is not anticipated

by either U.S. Patent No. 5,497,306 to Pastrick, U.S. Patent No. 5,823,654 to Pastrick et al., or U.S. Patent No. 5,879,074 to Pastrick.

Independent claim 55 recites, among other things an independent light emitting portion having a height for extending below the housing and contoured for formed a contoured lower surface abutting to and continuing the contour of the housing, formed as a separate element of and attached to a lower portion of the mirror housing, a portion of the bezel including an opaque portion thereof for preventing light from passing therethrough and a lens portion for allowing light to project through the lens.

The devices taught by U.S. Patent No. 5,497,306 to Pastrick, U.S. Patent No. 5,823,654 to Pastrick et al., and U.S. Patent No. 5,879,074 to Pastrick do not disclose a bezel portion separately formed which extends below a lower peripheral portion of the mirror housing and/or follows the contour of the mirror housing.

The devices taught by U.S. Patent No. 5,497,306 to Pastrick, U.S. Patent No. 5,823,654 to Pastrick et al., and U.S. Patent No. 5,879,074 to Pastrick do not disclose a bezel portion having a height which extends below the lower portion of the mirror and forms a contour of the mirror which includes a portion which is at least partially opaque and non-light transmitting.

It is submitted that the bezels taught by U.S. Patent No. 5,497,306 to Pastrick, U.S. Patent No. 5,823,654 to Pastrick et al., and U.S. Patent No. 5,879,074 to Pastrick are disposed within the mirror housing itself and do extend below the lowermost surface of the mirror housing, nor do they form a contoured surface of the mirror housing.

Accordingly, the Applicants submit that independent claim 55 is not anticipated

by either U.S. Patent No. 5,497,306 to Pastrick, U.S. Patent No. 5,823,654 to Pastrick et al., or U.S. Patent No. 5,879,074 to Pastrick.

Independent claim 56 recites, among other things a separately formed signal attachment disposed in proximity to a said bottom portion of the housing, the signal element attachment having a height for extending below said bottom portion and an opening for projecting light in a portion of said attachment forming a contoured surface immediately adjacent and continuing the contoured surface of said contoured back surface of said housing.

The devices taught by U.S. Patent No. 5,497,306 to Pastrick, U.S. Patent No. 5,823,654 to Pastrick et al., and U.S. Patent No. 5,879,074 to Pastrick do not disclose a bezel portion separately formed which extends below a lower peripheral portion of the mirror housing and/or follows the contour of the mirror housing.

The devices taught by U.S. Patent No. 5,497,306 to Pastrick, U.S. Patent No. 5,823,654 to Pastrick et al., and U.S. Patent No. 5,879,074 to Pastrick do not disclose a bezel portion having a height which extends below the lower portion of the mirror and forms a contour of the mirror which includes a portion which is at least partially opaque and non-light transmitting.

It is submitted that the bezels taught by U.S. Patent No. 5,497,306 to Pastrick, U.S. Patent No. 5,823,654 to Pastrick et al., and U.S. Patent No. 5,879,074 to Pastrick are disposed within the mirror housing itself and do extend below the lowermost surface of the mirror housing, nor do they form a contoured surface of the mirror housing.

Accordingly, the Applicants submit that independent claim 56 is not anticipated by either U.S. Patent No. 5,497,306 to Pastrick, U.S. Patent No. 5,823,654 to Pastrick et al., or U.S. Patent No. 5,879,074 to Pastrick.

Independent claim 57 recites, among other things a signal attachment member formed independently of the mirror housing and defining a contoured portion of a lower surface of the mirror housing, the signal attachment member having a height for extending below the downwardly extending peripheral wall, said signal attachment member including an upwardly extending contoured surface portion for mating with the downwardly extending wall of said mirror housing said signal attachment member including a lens portion signal attachment member being attached to said housing and forming a contour following surface from the lower peripheral edge.

The devices taught by U.S. Patent No. 5,497,306 to Pastrick, U.S. Patent No. 5,823,654 to Pastrick et al., and U.S. Patent No. 5,879,074 to Pastrick do not disclose a bezel portion separately formed which extends below a lower peripheral portion of the mirror housing and/or follows the contour of the mirror housing.

The devices taught by U.S. Patent No. 5,497,306 to Pastrick, U.S. Patent No. 5,823,654 to Pastrick et al., and U.S. Patent No. 5,879,074 to Pastrick do not disclose a bezel portion having a height which extends below the lower portion of the mirror and forms a contour of the mirror which includes a portion which is at least partially opaque and non-light transmitting.

It is submitted that the bezels taught by U.S. Patent No. 5,497,306 to Pastrick, U.S. Patent No. 5,823,654 to Pastrick et al., and U.S. Patent No. 5,879,074 to Pastrick

are disposed within the mirror housing itself and do extend below the lowermost surface of the mirror housing, nor do they form a contoured surface of the mirror housing.

Accordingly, the Applicants submit that independent claim 57 is not anticipated by either U.S. Patent No. 5,497,306 to Pastrick, U.S. Patent No. 5,823,654 to Pastrick et al., or U.S. Patent No. 5,879,074 to Pastrick.

Independent claim 58 recites, among other things a detachable bezel formed separately from said housing, said bezel attached to and extending below said lower wall portion, said bezel including a planar longitudinal surface extending between a front surface and a rear surface of said bezel wherein said front surface of said bezel is position adjacent said outer wall portion of said housing, said bezel extending inward such that said rear surface of said bezel is proximate a breakaway feature of the mirror assembly, said bezel further including a lens.

The devices taught by U.S. Patent No. 5,497,306 to Pastrick, U.S. Patent No. 5,823,654 to Pastrick et al., and U.S. Patent No. 5,879,074 to Pastrick do not disclose a bezel portion separately formed which extends below a lower peripheral portion of the mirror housing and/or follows the contour of the mirror housing.

The devices taught by U.S. Patent No. 5,497,306 to Pastrick, U.S. Patent No. 5,823,654 to Pastrick et al., and U.S. Patent No. 5,879,074 to Pastrick do not disclose a bezel portion having a height which extends below the lower portion of the mirror and forms a contour of the mirror which includes a portion which is at least partially opaque and non-light transmitting.

It is submitted that the bezels taught by U.S. Patent No. 5,497,306 to Pastrick, U.S. Patent No. 5,823,654 to Pastrick et al., and U.S. Patent No. 5,879,074 to Pastrick are disposed within the mirror housing itself and do extend below the lowermost surface of the mirror housing, nor do they form a contoured surface of the mirror housing.

Accordingly, the Applicants submit that independent claim 58 is not anticipated by either U.S. Patent No. 5,497,306 to Pastrick, U.S. Patent No. 5,823,654 to Pastrick et al., or U.S. Patent No. 5,879,074 to Pastrick.

Independent claim 59 recites, among other things a bezel formed independently of the mirror housing and defining a portion of a lower transverse surface of the mirror housing and defining a portion of a lower transverse surface of the mirror housing, the bezel having a height for extending below the downwardly extending peripheral wall, said bezel including an upwardly extending wall portion for mating with the downwardly extending wall of said mirror housing and having an opening for projecting light; said bezel attached to said housing.

The devices taught by U.S. Patent No. 5,497,306 to Pastrick, U.S. Patent No. 5,823,654 to Pastrick et al., and U.S. Patent No. 5,879,074 to Pastrick do not disclose a bezel portion separately formed which extends below a lower peripheral portion of the mirror housing and/or follows the contour of the mirror housing.

The devices taught by U.S. Patent No. 5,497,306 to Pastrick, U.S. Patent No. 5,823,654 to Pastrick et al., and U.S. Patent No. 5,879,074 to Pastrick do not disclose a bezel portion having a height which extends below the lower portion of the mirror and forms a contour of the mirror which includes a portion which is at least partially opaque

and non-light transmitting.

Accordingly, the Applicants submit that independent claim 59 is not anticipated by either U.S. Patent No. 5,497,306 to Pastrick, U.S. Patent No. 5,823,654 to Pastrick et al., or U.S. Patent No. 5,879,074 to Pastrick.

Accordingly, the Applicants submit that claims 25-32, 34, and 41-59 are not anticipated by U.S. Patent No. 5,497,306 to Pastrick, U.S. Patent No. 5,823,654 to Pastrick et al., or U.S. Patent No. 5,879,074 to Pastrick.

Furthermore, claims 25-32, 34, and 41-59 are not unpatentable over U.S. Patent No. 5,497,306 to Pastrick, U.S. Patent No. 5,823,654 to Pastrick et al., and/or U.S. Patent No. 5,879,074 to Pastrick, either alone or in combination.

The standard for obviousness is that there must be some suggestion, either in the reference or in the relevant art, of how to modify what is disclosed to arrive at the claimed invention. In addition, "[s]omething in the prior art as a whole must suggest the desirability and, thus, the obviousness, of making" the modification to the art suggested by the Examiner. *Uniroyal, Inc. v. Rudkin-Wiley Corp.*, 837 F.2d 1044, 1051, 5 U.S.P.Q.2d (BNA) 1434, 1438 (Fed. Cir.), cert. denied, 488 U.S. 825 (1988). Although the Examiner may suggest the teachings of a primary reference could be modified to arrive at the claimed subject matter, the modification is not obvious unless the prior art also suggests the desirability of such modification. *In re Laskowski*, 871 F.2d 115, 117, 10 U.S.P.Q.2d (BNA) 1397, 1398 (Fed. Cir.1989). There must be a teaching in the prior art for the proposed combination or modification to be proper. *In re Newell*, 891 F.2d 899, 13 U.S.P.Q.2d (BNA) 1248 (Fed. Cir. 1989). If the prior art fails to provide this necessary

teaching, suggestion, or incentive supporting the Examiner's suggested modification, the rejection based upon this suggested modification is error and must be reversed. *In re Bond*, 910 F.2d 831, 15 U.S.P.Q.2d (BNA) 1566 (Fed. Cir. 1990).

As previously noted, the devices taught by U.S. Patent No. 5,497,306 to Pastrick, U.S. Patent No. 5,823,654 to Pastrick et al., and U.S. Patent No. 5,879,074 to Pastrick do not disclose a bezel portion separately formed which extends below a lower peripheral portion of the mirror housing and/or follows the contour of the mirror housing, and do not disclose a bezel portion having a height which extends below the lower portion of the mirror and forms a contour of the mirror which includes a portion which is at least partially opaque and non-light transmitting.

The Applicant submits that one of ordinary skill in the art would not be motivated by U.S. Patent No. 5,497,306 to Pastrick, U.S. Patent No. 5,823,654 to Pastrick et al., and/or U.S. Patent No. 5,879,074 to Pastrick, either alone or in combination, to produce either:

(A) a mirror assembly for a vehicle comprising: (1) a mirror housing; (2) a reflective element; (3) a backing assembly supported by the mirror housing, the backing assembly supporting the reflective element; (4) a bezel having a height for extending below the housing, formed as a separate element of and attached to a lower portion of the mirror housing, a portion of the bezel including an opaque contoured surface portion extending from the lower portion of the mirror housing, the bezel having an opening for projecting light through the lens; (5) a light module disposed within the bezel, the light module having a light source for providing light to be projected through the lens; and (6)

a lens formed in the opening, the light projecting through the lens; or

(B) an exterior rear view mirror assembly comprising: (1) a housing adapted to be secured to an outer surface of a motor vehicle and having a generally rearwardly facing opening; (2) a reflective mirror disposed within the opening; (3) a bezel formed of a separate element of and disposed in proximity to a portion of a lower transverse surface of the housing, the bezel having a height for extending below said lower transverse surface and an opening for projecting light in a portion of said bezel formed a contoured surface from the lower portion of the mirror housing; (4) a light transmitting lens formed in the bezel; and (5) a light source assembly having a light source, the light source assembly generating light projected through the opening in the bezel, the light source assembly being operable to provide a light signal visible through the light transmitting lens; or

(C) a mirror assembly for a vehicle comprising: (1) a mirror housing; (2) a reflective element; (3) a backing assembly supported by the mirror housing, the backing assembly supporting the reflective element; (4) a bezel having a height for extending below the housing, formed as a separate element of and attached to a lower portion of the mirror housing, a portion of the bezel including an opaque portion being contoured for forming a lower contoured portion of the mirror contoured surface portion extending from the lower portion of the mirror housing, the bezel also including a cavity therein for receiving a light source and a lens over the cavity for allowing light through; and (5) a light module disposed within the cavity, the light module having a light source for providing light to be projected through the lens for repeating of a turn signal or a stop

light signal of the vehicle; or

(D) a mirror assembly for a vehicle comprising: (1) a mirror housing; (2) a reflective element; (3) a backing assembly supported by the mirror housing, the backing assembly supporting the reflective element; (4) an independent light emitting portion having a height for extending below the housing and contoured for formed a contoured lower surface abutting to and continuing the contour of the housing, formed as a separate element of and attached to a lower portion of the mirror housing, a portion of the bezel including an opaque portion thereof for preventing light from passing therethrough and a lens portion for allowing light to project through the lens; and (5) a light module disposed within the bezel, the light module having a light source for providing light to be projected through the lens portion for signaling of a turn signal or stoplight or puddle lamp function of a vehicle; or

(E) an exterior rear view mirror assembly comprising: (1) a housing adapted to be secured to an outer surface of a motor vehicle and having a generally rearwardly facing opening, a contoured back surface and a bottom portion; (2) a reflective mirror disposed within the opening; (3) a separately formed signal attachment disposed in proximity to a said bottom portion of the housing, the signal element attachment having a height for extending below said bottom portion and an opening for projecting light in a portion of said attachment forming a contoured surface immediately adjacent and continuing the contoured surface of said contoured back surface of said housing; (4) a light transmitting lens formed in the said attachment; and (5) a light source assembly having a light source, the light source assembly generating light projected through the

opening in the bezel, the light source assembly being operable to provide a light signal visible through the light transmitting lens; or

(F) a mirror assembly for a vehicle comprising: (1) a mirror housing; (2) a reflective element; (3) a backing assembly supported by the mirror housing, the backing assembly supporting the reflective element, said mirror housing including a downwardly extending peripheral wall having a contoured surface and a lower peripheral edge; (4) a signal attachment member formed independently of the mirror housing and defining a contoured portion of a lower surface of the mirror housing, the signal attachment member having a height for extending below the downwardly extending peripheral wall, said signal attachment member including an upwardly extending contoured surface portion for mating with the downwardly extending wall of said mirror housing said signal attachment member including a lens portion signal attachment member being attached to said housing and forming a contour following surface from the lower peripheral edge; and (5) a light module disposed within the signal attachment member, the light module having a light source, wherein from the source light source projects through the lens; or

(G) a mirror assembly for a vehicle comprising: (1) a mirror housing including an inner wall portion, an outer wall portion and a lower wall portion extending between said inner and outer wall portions; (2) a reflective element; (3) a backing assembly supported by the mirror housing, said backing assembly supporting the reflective element; (4) a detachable bezel formed separately from said housing, said bezel attached to and extending below said lower wall portion, said bezel including a planar longitudinal

surface extending between a front surface and a rear surface of said bezel wherein said front surface of said bezel is position adjacent said outer wall portion of said housing, said bezel extending inward such that said rear surface of said bezel is proximate a breakaway feature of the mirror assembly, said bezel further including a lens; and (5) a light source emitting light within said bezel, said light projecting through said lens; or

(H) a mirror assembly for a vehicle comprising: (1) a mirror housing; (2) a reflective element; (3) a backing assembly supported by the mirror housing, the backing assembly supporting the reflective element; said mirror housing including a downwardly extending peripheral wall; (4) a bezel formed independently of the mirror housing and defining a portion of a lower transverse surface of the mirror housing and defining a portion of a lower transverse surface of the mirror housing, the bezel having a height for extending below the downwardly extending peripheral wall, said bezel including an upwardly extending wall portion for mating with the downwardly extending wall of said mirror housing and having an opening for projecting light; said bezel attached to said housing; (5) a light module disposed within the bezel, the light module having a light source, wherein light from the light source projects through the opening; and (6) a lens formed in the opening, the light projecting through the lens.

Claims 25-33 and 41-59 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,809,137 to Yamada.

The Applicants' respectfully traverse the 35 U.S.C. 102(b) rejection of claims 25-33 and 41-59.

As previously noted, the law is clear that anticipation requires that a single prior art

reference disclose each and every limitation of the claim sought to be rejected. 35 U.S.C. 102(b). As also previously noted, the law is also clear that a claim in dependent form shall be construed to incorporate all the limitations of the claim to which it refers. 35 U.S.C. § 112 ¶ 4.

Independent claim 25 recites, among other things a bezel having a height for extending below the housing, formed as a separate element of and attached to a lower portion of the mirror housing, a portion of the bezel including an opaque contoured surface portion extending from the lower portion of the mirror housing, the bezel having an opening for projecting light through the lens.

The device taught by U.S. Patent No. 4,809,137 to Yamada does not disclose a bezel portion separately formed which extends below a lower peripheral portion of the mirror housing and/or follows the contour of the mirror housing.

The device taught by U.S. Patent No. 4,809,137 to Yamada does not disclose a bezel portion having a height which extends below the lower portion of the mirror and forms a contour of the mirror which includes a portion which is at least partially opaque and non-light transmitting.

It is submitted that the bezel taught by U.S. Patent No. 4,809,137 to Yamada is disposed within the mirror housing itself and does not extend below the lowermost surface of the mirror housing, nor does it form a contoured surface of the mirror housing.

Accordingly, the Applicants submit that independent claim 25 is not anticipated by U.S. Patent No. 4,809,137 to Yamada.

Dependent claim 26 further limits and defines independent claim 25 and recites, among other things that the bezel is disposed generally beneath the backing assembly and the reflective element. Accordingly, claim 26 is also not anticipated by U.S. Patent No. 4,809,137 to Yamada.

Dependent claim 27 further limits and defines independent claim 25 and recites, among other things that the opening in the bezel projects rearwardly. Accordingly, claim 27 is also not anticipated by U.S. Patent No. 4,809,137 to Yamada.

Dependent claim 28 further limits and defines independent claim 25 and recites, among other things that the light source generates light to provide at least one of a turn signal light, an approach light, and a vehicle side marker light. Accordingly, claim 28 is also not anticipated by U.S. Patent No. 4,809,137 to Yamada.

Dependent claim 29 further limits and defines independent claim 25 and recites, among other things that the light source assembly has a reflective inner surface, the inner surface being shaped to direct a maximum amount of light emitted from the light source to the lens. Accordingly, claim 29 is also not anticipated by U.S. Patent No. 4,809,137 to Yamada.

Dependent claim 30 further limits and defines independent claim 25 and recites, among other things that the lens is operative to direct light through an arc extending at least 40 degrees rearwardly from approximately a line passing through the mirror assembly and extending perpendicular to the longitudinal axis of the vehicle. Accordingly, claim 30 is also not anticipated by U.S. Patent No. 4,809,137 to Yamada.

Dependent claim 31 further limits and defines independent claim 25 and recites,

among other things that the light source is operable to provide a signal visible through the light transmitting lens to a rearward motor vehicle when actuated. Accordingly, claim 31 is also not anticipated by U.S. Patent No. 4,809,137 to Yamada.

Dependent claim 32 further limits and defines independent claim 25 and recites, among other things that the mirror assembly further comprises a fastener for attaching the light module to the bezel. Accordingly, claim 32 is also not anticipated by U.S. Patent No. 4,809,137 to Yamada.

Dependent claim 33 further limits and defines dependent claim 32, dependent upon independent claim 25, and recites, among other things that the fastener comprises a threaded fastener. Accordingly, claim 33 is also not anticipated by U.S. Patent No. 4,809,137 to Yamada.

Independent claim 41 recites, among other things a bezel formed of a separate element of and disposed in proximity to a portion of a lower transverse surface of the housing, the bezel having a height for extending below said lower transverse surface and an opening for projecting light in a portion of said bezel formed a contoured surface from the lower portion of the mirror housing.

The device taught by U.S. Patent No. 4,809,137 to Yamada does not disclose a bezel portion separately formed which extends below a lower peripheral portion of the mirror housing and/or follows the contour of the mirror housing.

The device taught by U.S. Patent No. 4,809,137 to Yamada does not disclose a bezel portion having a height which extends below the lower portion of the mirror and

forms a contour of the mirror which includes a portion which is at least partially opaque and non-light transmitting.

It is submitted that the bezel taught by U.S. Patent No. 4,809,137 to Yamada is disposed within the mirror housing itself and does not extend below the lowermost surface of the mirror housing, nor does it form a contoured surface of the mirror housing.

Accordingly, the Applicants submit that independent claim 41 is not anticipated by U.S. Patent No. 4,809,137 to Yamada.

Dependent claim 42 further limits and defines independent claim 41 and recites, among other things that the opening in the bezel projects rearwardly. Accordingly, claim 42 is also not anticipated by U.S. Patent No. 4,809,137 to Yamada.

Dependent claim 43 further limits and defines dependent claim 42, dependent upon independent claim 41, and recites, among other things that the light source assembly is removably secured to the bezel. Accordingly, claim 43 is also not anticipated by U.S. Patent No. 4,809,137 to Yamada.

Dependent claim 44 further limits and defines independent claim 41 and recites, among other things that the light source generates light to provide at least one of a turn signal light, a vehicle approach light, and a vehicle side marker light. Accordingly, claim 44 is also not anticipated by U.S. Patent No. 4,809,137 to Yamada.

Dependent claim 45 further limits and defines independent claim 41 and recites, among other things that the light source generates light to provide a vehicle approach light and wherein the lens of one of red, amber, and white. Accordingly, claim 45 is also

not anticipated by U.S. Patent No. 4,809,137 to Yamada.

Dependent claim 46 further limits and defines independent claim 41 and recites, among other things that the light source generates light to provide a vehicle side marker light and wherein the lens is one of red, amber, and white. Accordingly, claim 46 is also not anticipated by U.S. Patent No. 4,809,137 to Yamada.

Dependent claim 47 further limits and defines independent claim 41 and recites, among other things that the light source generates light to provide a turn signal and wherein the lens is one of red, white, and amber. Accordingly, claim 47 is also not anticipated by U.S. Patent No. 4,809,137 to Yamada.

Dependent claim 48 further limits and defines independent claim 41 and recites, among other things that the light source assembly has a reflective inner surface, the inner surface being shaped to direct a maximum amount of light emitted from the light source to the lens. Accordingly, claim 48 is also not anticipated by U.S. Patent No. 4,809,137 to Yamada.

Dependent claim 49 further limits and defines independent claim 41 and recites, among other things that the bezel is separately formed from the housing, and wherein a fastener attaches the bezel to the housing. Accordingly, claim 49 is also not anticipated by U.S. Patent No. 4,809,137 to Yamada.

Dependent claim 50 further limits and defines independent claim 41 and recites, among other things that the lens is operative to direct light through an arc extending at least 40 degrees rearwardly from approximately a line passing through the mirror assembly and extending perpendicularly to the longitudinal axis of the vehicle.

Accordingly, claim 50 is also not anticipated by U.S. Patent No. 4,809,137 to Yamada.

Dependent claim 51 further limits and defines independent claim 41 and recites, among other things that the light source assembly includes an electrical connector for supporting the light source. Accordingly, claim 51 is also not anticipated by U.S. Patent No. 4,809,137 to Yamada.

Dependent claim 52 further limits and defines dependent claim 42, dependent upon independent claim 41, and recites, among other things that the bulb holder is integrally formed with the light source assembly. Accordingly, claim 52 is also not anticipated by U.S. Patent No. 4,809,137 to Yamada.

Dependent claim 53 further limits and defines independent claim 41 and recites, among other things that the light source assembly is operable to provide a signal visible through the light transmitting lens to a rearward motor vehicle when actuated. Accordingly, claim 53 is also not anticipated by U.S. Patent No. 4,809,137 to Yamada.

Independent claim 54 recites, among other things a bezel having a height for extending below the housing, formed as a separate element of and attached to a lower portion of the mirror housing, a portion of the bezel including an opaque portion being contoured for forming a lower contoured portion of the mirror contoured surface portion extending from the lower portion of the mirror housing, the bezel also including a cavity therein for receiving a light source and a lens over the cavity for allowing light through.

The device taught by U.S. Patent No. 4,809,137 to Yamada does not disclose a bezel portion separately formed which extends below a lower peripheral portion of the mirror housing and/or follows the contour of the mirror housing.

The device taught by U.S. Patent No. 4,809,137 to Yamada does not disclose a bezel portion having a height which extends below the lower portion of the mirror and forms a contour of the mirror which includes a portion which is at least partially opaque and non-light transmitting.

It is submitted that the bezel taught by U.S. Patent No. 4,809,137 to Yamada is disposed within the mirror housing itself and does not extend below the lowermost surface of the mirror housing, nor does it form a contoured surface of the mirror housing.

Accordingly, the Applicants submit that independent claim 54 is not anticipated by U.S. Patent No. 4,809,137 to Yamada.

Independent claim 55 recites, among other things an independent light emitting portion having a height for extending below the housing and contoured for formed a contoured lower surface abutting to and continuing the contour of the housing, formed as a separate element of and attached to a lower portion of the mirror housing, a portion of the bezel including an opaque portion thereof for preventing light from passing therethrough and a lens portion for allowing light to project through the lens.

The device taught by U.S. Patent No. 4,809,137 to Yamada does not disclose a bezel portion separately formed which extends below a lower peripheral portion of the mirror housing and/or follows the contour of the mirror housing.

The device taught by U.S. Patent No. 4,809,137 to Yamada does not disclose a bezel portion having a height which extends below the lower portion of the mirror and forms a contour of the mirror which includes a portion which is at least partially opaque

and non-light transmitting.

It is submitted that the bezel taught by U.S. Patent No. 4,809,137 to Yamada is disposed within the mirror housing itself and does not extend below the lowermost surface of the mirror housing, nor does it form a contoured surface of the mirror housing.

Accordingly, the Applicants submit that independent claim 55 is not anticipated by U.S. Patent No. 4,809,137 to Yamada.

Independent claim 56 recites, among other things a separately formed signal attachment disposed in proximity to a said bottom portion of the housing, the signal element attachment having a height for extending below said bottom portion and an opening for projecting light in a portion of said attachment forming a contoured surface immediately adjacent and continuing the contoured surface of said contoured back surface of said housing.

The device taught by U.S. Patent No. 4,809,137 to Yamada does not disclose a bezel portion separately formed which extends below a lower peripheral portion of the mirror housing and/or follows the contour of the mirror housing.

The device taught by U.S. Patent No. 4,809,137 to Yamada does not disclose a bezel portion having a height which extends below the lower portion of the mirror and forms a contour of the mirror which includes a portion which is at least partially opaque and non-light transmitting.

It is submitted that the bezel taught by U.S. Patent No. 4,809,137 to Yamada is disposed within the mirror housing itself and does not extend below the lowermost

surface of the mirror housing, nor does it form a contoured surface of the mirror housing.

Accordingly, the Applicants submit that independent claim 56 is not anticipated by U.S. Patent No. 4,809,137 to Yamada.

Independent claim 57 recites, among other things a signal attachment member formed independently of the mirror housing and defining a contoured portion of a lower surface of the mirror housing, the signal attachment member having a height for extending below the downwardly extending peripheral wall, said signal attachment member including an upwardly extending contoured surface portion for mating with the downwardly extending wall of said mirror housing said signal attachment member including a lens portion signal attachment member being attached to said housing and forming a contour following surface from the lower peripheral edge.

The device taught by U.S. Patent No. 4,809,137 to Yamada does not disclose a bezel portion separately formed which extends below a lower peripheral portion of the mirror housing and/or follows the contour of the mirror housing.

The device taught by U.S. Patent No. 4,809,137 to Yamada does not disclose a bezel portion having a height which extends below the lower portion of the mirror and forms a contour of the mirror which includes a portion which is at least partially opaque and non-light transmitting.

It is submitted that the bezel taught by U.S. Patent No. 4,809,137 to Yamada is disposed within the mirror housing itself and does not extend below the lowermost surface of the mirror housing, nor does it form a contoured surface of the mirror

housing.

Accordingly, the Applicants submit that independent claim 57 is not anticipated by U.S. Patent No. 4,809,137 to Yamada.

Independent claim 58 recites, among other things a detachable bezel formed separately from said housing, said bezel attached to and extending below said lower wall portion, said bezel including a planar longitudinal surface extending between a front surface and a rear surface of said bezel wherein said front surface of said bezel is position adjacent said outer wall portion of said housing, said bezel extending inward such that said rear surface of said bezel is proximate a breakaway feature of the mirror assembly, said bezel further including a lens.

The device taught by U.S. Patent No. 4,809,137 to Yamada does not disclose a bezel portion separately formed which extends below a lower peripheral portion of the mirror housing and/or follows the contour of the mirror housing.

The device taught by U.S. Patent No. 4,809,137 to Yamada does not disclose a bezel portion having a height which extends below the lower portion of the mirror and forms a contour of the mirror which includes a portion which is at least partially opaque and non-light transmitting.

It is submitted that the bezel taught by U.S. Patent No. 4,809,137 to Yamada is disposed within the mirror housing itself and does not extend below the lowermost surface of the mirror housing, nor does it form a contoured surface of the mirror housing.

Accordingly, the Applicants submit that independent claim 58 is not anticipated

by U.S. Patent No. 4,809,137 to Yamada.

Independent claim 59 recites, among other things a bezel formed independently of the mirror housing and defining a portion of a lower transverse surface of the mirror housing and defining a portion of a lower transverse surface of the mirror housing, the bezel having a height for extending below the downwardly extending peripheral wall, said bezel including an upwardly extending wall portion for mating with the downwardly extending wall of said mirror housing and having an opening for projecting light; said bezel attached to said housing.

The device taught by U.S. Patent No. 4,809,137 to Yamada does not disclose a bezel portion separately formed which extends below a lower peripheral portion of the mirror housing and/or follows the contour of the mirror housing.

The device taught by U.S. Patent No. 4,809,137 to Yamada does not disclose a bezel portion having a height which extends below the lower portion of the mirror and forms a contour of the mirror which includes a portion which is at least partially opaque and non-light transmitting.

It is submitted that the bezel taught by U.S. Patent No. 4,809,137 to Yamada is disposed within the mirror housing itself and does not extend below the lowermost surface of the mirror housing, nor does it form a contoured surface of the mirror housing.

Accordingly, the Applicants submit that independent claim 59 is not anticipated by U.S. Patent No. 4,809,137 to Yamada.

Accordingly, the Applicants submit that claims 25-33 and 41-59 are not

anticipated by U.S. Patent No. 4,809,137 to Yamada.

Furthermore, claims 25-33 and 41-59 are not unpatentable over U.S. Patent No. 4,809,137 to Yamada.

As previously noted, the device taught by U.S. Patent No. 4,809,137 to Yamada do not disclose a bezel portion separately formed which extends below a lower peripheral portion of the mirror housing and/or follows the contour of the mirror housing, and do not disclose a bezel portion having a height which extends below the lower portion of the mirror and forms a contour of the mirror which includes a portion which is at least partially opaque and non-light transmitting.

The Applicant submits that one of ordinary skill in the art would not be motivated by U.S. Patent No. 4,809,137 to Yamada, to produce either:

(A) a mirror assembly for a vehicle comprising: (1) a mirror housing; (2) a reflective element; (3) a backing assembly supported by the mirror housing, the backing assembly supporting the reflective element; (4) a bezel having a height for extending below the housing, formed as a separate element of and attached to a lower portion of the mirror housing, a portion of the bezel including an opaque contoured surface portion extending from the lower portion of the mirror housing, the bezel having an opening for projecting light through the lens; (5) a light module disposed within the bezel, the light module having a light source for providing light to be projected through the lens; and (6) a lens formed in the opening, the light projecting through the lens; or

(B) an exterior rear view mirror assembly comprising: (1) a housing adapted to be secured to an outer surface of a motor vehicle and having a generally rearwardly

facing opening; (2) a reflective mirror disposed within the opening; (3) a bezel formed of a separate element of and disposed in proximity to a portion of a lower transverse surface of the housing, the bezel having a height for extending below said lower transverse surface and an opening for projecting light in a portion of said bezel formed a contoured surface from the lower portion of the mirror housing; (4) a light transmitting lens formed in the bezel; and (5) a light source assembly having a light source, the light source assembly generating light projected through the opening in the bezel, the light source assembly being operable to provide a light signal visible through the light transmitting lens; or

(C) a mirror assembly for a vehicle comprising: (1) a mirror housing; (2) a reflective element; (3) a backing assembly supported by the mirror housing, the backing assembly supporting the reflective element; (4) a bezel having a height for extending below the housing, formed as a separate element of and attached to a lower portion of the mirror housing, a portion of the bezel including an opaque portion being contoured for forming a lower contoured portion of the mirror contoured surface portion extending from the lower portion of the mirror housing, the bezel also including a cavity therein for receiving a light source and a lens over the cavity for allowing light through; and (5) a light module disposed within the cavity, the light module having a light source for providing light to be projected through the lens for repeating of a turn signal or a stop light signal of the vehicle; or

(D) a mirror assembly for a vehicle comprising: (1) a mirror housing; (2) a reflective element; (3) a backing assembly supported by the mirror housing, the backing

assembly supporting the reflective element; (4) an independent light emitting portion having a height for extending below the housing and contoured for formed a contoured lower surface abutting to and continuing the contour of the housing, formed as a separate element of and attached to a lower portion of the mirror housing, a portion of the bezel including an opaque portion thereof for preventing light from passing therethrough and a lens portion for allowing light to project through the lens; and (5) a light module disposed within the bezel, the light module having a light source for providing light to be projected through the lens portion for signaling of a turn signal or stoplight or puddle lamp function of a vehicle; or

(E) an exterior rear view mirror assembly comprising: (1) a housing adapted to be secured to an outer surface of a motor vehicle and having a generally rearwardly facing opening, a contoured back surface and a bottom portion; (2) a reflective mirror disposed within the opening; (3) a separately formed signal attachment disposed in proximity to a said bottom portion of the housing, the signal element attachment having a height for extending below said bottom portion and an opening for projecting light in a portion of said attachment forming a contoured surface immediately adjacent and continuing the contoured surface of said contoured back surface of said housing; (4) a light transmitting lens formed in the said attachment; and (5) a light source assembly having a light source, the light source assembly generating light projected through the opening in the bezel, the light source assembly being operable to provide a light signal visible through the light transmitting lens; or

(F) a mirror assembly for a vehicle comprising: (1) a mirror housing; (2) a

reflective element; (3) a backing assembly supported by the mirror housing, the backing assembly supporting the reflective element, said mirror housing including a downwardly extending peripheral wall having a contoured surface and a lower peripheral edge; (4) a signal attachment member formed independently of the mirror housing and defining a contoured portion of a lower surface of the mirror housing, the signal attachment member having a height for extending below the downwardly extending peripheral wall, said signal attachment member including an upwardly extending contoured surface portion for mating with the downwardly extending wall of said mirror housing said signal attachment member including a lens portion signal attachment member being attached to said housing and forming a contour following surface from the lower peripheral edge; and (5) a light module disposed within the signal attachment member, the light module having a light source, wherein from the source light source projects through the lens; or

(G) a mirror assembly for a vehicle comprising: (1) a mirror housing including an inner wall portion, an outer wall portion and a lower wall portion extending between said inner and outer wall portions; (2) a reflective element; (3) a backing assembly supported by the mirror housing, said backing assembly supporting the reflective element; (4) a detachable bezel formed separately from said housing, said bezel attached to and extending below said lower wall portion, said bezel including a planar longitudinal surface extending between a front surface and a rear surface of said bezel wherein said front surface of said bezel is positioned adjacent said outer wall portion of said housing, said bezel extending inward such that said rear surface of said bezel is proximate a breakaway feature of the mirror assembly, said bezel further including a lens; and (5) a

light source emitting light within said bezel, said light projecting through said lens; or

(H) a mirror assembly for a vehicle comprising: (1) a mirror housing; (2) a reflective element; (3) a backing assembly supported by the mirror housing, the backing assembly supporting the reflective element; said mirror housing including a downwardly extending peripheral wall; (4) a bezel formed independently of the mirror housing and defining a portion of a lower transverse surface of the mirror housing and defining a portion of a lower transverse surface of the mirror housing, the bezel having a height for extending below the downwardly extending peripheral wall, said bezel including an upwardly extending wall portion for mating with the downwardly extending wall of said mirror housing and having an opening for projecting light; said bezel attached to said housing; (5) a light module disposed within the bezel, the light module having a light source, wherein light from the light source projects through the opening; and (6) a lens formed in the opening, the light projecting through the lens.

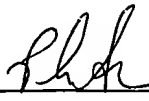
Conclusion

For the reasons advanced above, appellant respectfully urges that the rejection of claims 25-34 and 41-59 under 35 U.S.C. § 102(b) is improper. Reversal of the rejection in this appeal is respectfully requested.

Please charge any deficiency in fees due in connection with the filing of this paper to Deposit Account No. 500906 (Schefenacker Vision Systems (USA) Inc.) and please credit any excess fees to such deposit account.

Respectfully submitted,

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APPENDIX

Copy of the Claims Appealed

25. A mirror assembly for a vehicle comprising:
- a mirror housing;
 - a reflective element;
 - a backing assembly supported by the mirror housing, the backing assembly supporting the reflective element;
 - a bezel having a height for extending below the housing, formed as a separate element of and attached to a lower portion of the mirror housing, a portion of the bezel including an opaque contoured surface portion extending from the lower portion of the mirror housing, the bezel having an opening for projecting light through the lens;
 - a light module disposed within the bezel, the light module having a light source for providing light to be projected through the lens; and
 - a lens formed in the opening, the light projecting through the lens.
26. The mirror assembly of claim 25 wherein the bezel is disposed generally beneath the backing assembly and the reflective element.
27. The mirror assembly of claim 25 wherein the opening in the bezel projects rearwardly.

28. The mirror assembly of claim 25 wherein the light source generates light to provide at least one of a turn signal light, an approach light, and a vehicle side marker light.

29. An exterior rear view mirror assembly as set forth in claim 25 wherein the light source assembly has a reflective inner surface, the inner surface being shaped to direct a maximum amount of light emitted from the light source to the lens.

30. The mirror assembly of claim 25 wherein the lens is operative to direct light through an arc extending at least 40 degrees rearwardly from approximately a line passing through the mirror assembly and extending perpendicular to the longitudinal axis of the vehicle.

31. The mirror assembly of claim 25 wherein the light source is operable to provide a signal visible through the light transmitting lens to a rearward motor vehicle when actuated.

32. The mirror assembly of claim 25 further comprising a fastener for attaching the light module to the bezel.

33. The mirror assembly of claim 32 wherein the fastener comprises a threaded fastener.

34. The mirror assembly of claim 32 wherein the fastener comprises a clip-type fastener, the clip-type fastener engaging the bezel.

41. An exterior rear view mirror assembly comprising:

- a housing adapted to be secured to an outer surface of a motor vehicle and having a generally rearwardly facing opening;
- a reflective mirror disposed within the opening;
- a bezel formed of a separate element of and disposed in proximity to a portion of a lower transverse surface of the housing, the bezel having a height for extending below said lower transverse surface and an opening for projecting light in a portion of said bezel formed a contoured surface from the lower portion of the mirror housing;
- a light transmitting lens formed in the bezel; and
- a light source assembly having a light source, the light source assembly generating light projected through the opening in the bezel, the light source assembly being operable to provide a light signal visible through the light transmitting lens.

42. The exterior rear view mirror assembly as set forth in claim 41 wherein the opening in the bezel projects rearwardly.

43. The exterior rear view mirror assembly as set forth in claim 42 wherein the light source assembly is removably secured to the bezel.

44. The exterior rear view mirror assembly as set forth in claim 41 wherein the light source generates light to provide at least one of a turn signal light, a vehicle approach light, and a vehicle side marker light.

45. The exterior rear view mirror assembly as set forth in claim 41 wherein the light source generates light to provide a vehicle approach light and wherein the lens of one of red, amber, and white.

46. The exterior rear view mirror assembly as set forth in claim 41 wherein the light source generates light to provide a vehicle side marker light and wherein the lens is one of red, amber, and white.

47. The exterior rear view mirror assembly as set forth in claim 41 wherein the light source generates light to provide a turn signal and wherein the lens is one of red, white, and amber.

48. An exterior rear view mirror assembly as set forth in claim 41 wherein the light source assembly has a reflective inner surface, the inner surface being shaped to direct a maximum amount of light emitted from the light source to the lens.

49. An exterior rear view mirror assembly as set forth in claim 41 wherein the

bezel is separately formed from the housing, and wherein a fastener attaches the bezel to the housing.

50. An exterior rear view mirror assembly as set forth in claim 41 wherein the lens is operative to direct light through an arc extending at least 40 degrees rearwardly from approximately a line passing through the mirror assembly and extending perpendicularly to the longitudinal axis of the vehicle.

51. An exterior rear view mirror assembly as set forth in claim 41 wherein the light source assembly includes an electrical connector for supporting the light source.

52. An exterior rear view mirror assembly as set forth in claim 42 wherein the bulb holder is integrally formed with the light source assembly.

53. An exterior rear view mirror assembly as set forth in claim 41 wherein the light source assembly is operable to provide a signal visible through the light transmitting lens to a rearward motor vehicle when actuated.

54. A mirror assembly for a vehicle comprising:
a mirror housing;
a reflective element;
a backing assembly supported by the mirror housing, the backing assembly

supporting the reflective element;

a bezel having a height for extending below the housing, formed as a separate element of and attached to a lower portion of the mirror housing, a portion of the bezel including an opaque portion being contoured for forming a lower contoured portion of the mirror contoured surface portion extending from the lower portion of the mirror housing, the bezel also including a cavity therein for receiving a light source and a lens over the cavity for allowing light through; and

a light module disposed within the cavity, the light module having a light source for providing light to be projected through the lens for repeating of a turn signal or a stop light signal of the vehicle.

55. A mirror assembly for a vehicle comprising:

a mirror housing;

a reflective element;

a backing assembly supported by the mirror housing, the backing assembly supporting the reflective element;

an independent light emitting portion having a height for extending below the housing and contoured for formed a contoured lower surface abutting to and continuing the contour of the housing, formed as a separate element of and attached to a lower portion of the mirror housing, a portion of the bezel including an opaque portion thereof for preventing light from passing therethrough and a lens portion for allowing light to project through the lens; and

a light module disposed within the bezel, the light module having a light source for providing light to be projected through the lens portion for signaling of a turn signal or stoplight or puddle lamp function of a vehicle.

56. An exterior rear view mirror assembly comprising:

a housing adapted to be secured to an outer surface of a motor vehicle and having a generally rearwardly facing opening, a contoured back surface and a bottom portion;

a reflective mirror disposed within the opening;

a separately formed signal attachment disposed in proximity to a said bottom portion of the housing, the signal element attachment having a height for extending below said bottom portion and an opening for projecting light in a portion of said attachment forming a contoured surface immediately adjacent and continuing the contoured surface of said contoured back surface of said housing;

a light transmitting lens formed in the said attachment; and

a light source assembly having a light source, the light source assembly generating light projected through the opening in the bezel, the light source assembly being operable to provide a light signal visible through the light transmitting lens.

57. A mirror assembly for a vehicle comprising:

a mirror housing;

a reflective element;

a backing assembly supported by the mirror housing, the backing assembly supporting the reflective element, said mirror housing including a downwardly extending peripheral wall having a contoured surface and a lower peripheral edge;

a signal attachment member formed independently of the mirror housing and defining a contoured portion of a lower surface of the mirror housing, the signal attachment member having a height for extending below the downwardly extending peripheral wall, said signal attachment member including an upwardly extending contoured surface portion for mating with the downwardly extending wall of said mirror housing said signal attachment member including a lens portion signal attachment member being attached to said housing and forming a contour following surface from the lower peripheral edge; and

a light module disposed within the signal attachment member, the light module having a light source, wherein from the source light source projects through the lens.

58. A mirror assembly for a vehicle comprising:

a mirror housing including an inner wall portion, an outer wall portion and a lower wall portion extending between said inner and outer wall portions;

a reflective element;

a backing assembly supported by the mirror housing, said backing assembly supporting the reflective element;

a detachable bezel formed separately from said housing, said bezel attached to and extending below said lower wall portion, said bezel including a planar longitudinal

surface extending between a front surface and a rear surface of said bezel wherein said front surface of said bezel is position adjacent said outer wall portion of said housing, said bezel extending inward such that said rear surface of said bezel is proximate a breakaway feature of the mirror assembly, said bezel further including a lens; and

a light source emitting light within said bezel, said light projecting through said lens.

59. A mirror assembly for a vehicle comprising:

a mirror housing;

a reflective element;

a backing assembly supported by the mirror housing, the backing assembly supporting the reflective element;

said mirror housing including a downwardly extending peripheral wall;

a bezel formed independently of the mirror housing and defining a portion of a lower transverse surface of the mirror housing and defining a portion of a lower transverse surface of the mirror housing, the bezel having a height for extending below the downwardly extending peripheral wall, said bezel including an upwardly extending wall portion for mating with the downwardly extending wall of said mirror housing and having an opening for projecting light;

said bezel attached to said housing;

a light module disposed within the bezel, the light module having a light source, wherein light from the source light source projects through the opening; and

a lens formed in the opening, the light projecting through the lens.